

BEFORE THE FEDERAL ELECTION COMMISSION

**ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT**

MUR: 7342

Respondents: Marie Newman for Congress,
and JoAnn Doherty, as treasurer
(collectively the "Committee")¹
Unknown Respondents

Complaint Receipt Date: March 6, 2018

Response Date: April 12, 2018

EPS Rating:

**Alleged Statutory
Regulatory Violations:**

**52 U.S.C. § 30120(a);
11 C.F.R. § 110.11**

The Complainant states that he received a postcard advocating Newman's election. The postcard is signed "Patricia" and appears to have been mailed from Virginia, but it lacks a disclaimer, return address, or any indication who paid for the communication.² The Committee responds that the postcard appears to be an independent expenditure made by an unknown party and was not coordinated with the campaign.

Based on its experience and expertise, the Commission has established an Enforcement Priority System using formal, pre-determined scoring criteria to allocate agency resources and assess whether particular matters warrant further administrative enforcement proceedings. These criteria include (1) the gravity of the alleged violation, taking into account both the type of activity and the amount in violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in potential violations and other developments in the law. This matter is rated as low priority for

¹ Newman is a candidate in Illinois's 3rd Congressional District.

² The postcard was attached to the Complaint. It was addressed to "Valued Voter," and appears to be a handwritten endorsement of Marie Newman. It also bears a date stamp reading "12 FEB 2018" and a location stamp reading "NO VA 220." There is no further identifying information on the postcard.

Commission action after application of these pre-established criteria. Given that low rating, the lack of available information as to the source, cost, or distribution of the postcard, we recommend that the Commission dismiss the Complaint consistent with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and use of agency resources. *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985). We also recommend that the Commission close the file as to all respondents and send the appropriate letters.

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7.10.18
Date

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